

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2014-090103

05/06/2016

HONORABLE DAVID M. TALAMANTE

CLERK OF THE COURT
M. Kay
Deputy

TAPESTRY ON CENTRAL L L C, et al.

RYAN J LORENZ

v.

TAPESTRY ON CENTRAL CONDOMINIUM
ASSOCIATION, et al.

KEVIN P NELSON

MICHAEL J ROGERS

MINUTE ENTRY

Courtroom 207 – SEA

2:03 p.m. This is the time set for Oral Argument re: Defendants' Motions for Summary Judgment. Counsel, Ryan J. Lorenz, is present on behalf of Plaintiff. Counsel, Kevin P. Nelson and Michael J. Rogers, are present on behalf of Defendants.

A record of the proceedings is made digitally in lieu of a court reporter.

The Court has reviewed the case file and the pleadings filed by the parties along with the sealed disc produced by Yahoo! Production in response to a subpoena. The Court is not inclined to conduct an in-camera review of the disc.

With regard to Defendants' Motion for Partial Summary Judgment Regarding the Eleventh Claim for Relief (Alleged Violation of A.R.S. §33-420), the Court is inclined to agree with Plaintiff that the lien is within the provisions of A.R.S. §33-420. The Court is inclined to find that the factual disputes that have been raised are not material for purposes of summary judgment.

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With regard to Defendants/Counterclaimants' Motion for Summary Judgment Regarding the Tenth Claim for Relief in the Second Amended Complaint (Tortious Interference with Business Expectancy), the Court is inclined to accept Defendants' argument. The Court will consider further argument regarding the purchase agreement with Mr. Lew.

Oral argument is presented on Defendants/Counterclaimants' Motion for Summary Judgment Regarding the Tenth Claim for Relief in the Second Amended Complaint (Tortious Interference with Business Expectancy), Defendants' Motion for Partial Summary Judgment Regarding the Second, Fourth, Fifth, and Seventh Claims for Relief in the Second Amended Complaint, and Defendants' Motion for Partial Summary Judgment Regarding the Eleventh Claim for Relief (Alleged Violation of A.R.S. §33-420).

THE COURT FINDS that the facts in dispute in this case do not rise to the level of the statutory requirements of A.R.S. §33-420.

IT IS THEREFORE ORDERED granting Defendants' Motion for Partial Summary Judgment Regarding the Eleventh Claim for Relief.

THE COURT FINDS that any cause of action based on the letters of intent dated July 26, 2010, September 3, 2010 and May 17, 2011 are barred by the Statute of Limitations.

IT IS THEREFORE ORDERED granting Defendants/Counterclaimants' Motion for Summary Judgment Regarding the Tenth Claim for Relief in the Second Amended Complaint (Tortious Interference with Business Expectancy) as it relates to the letters of intent.

IT IS ORDERED as it relates to the declaratory judgment action, Defendants' Motion for Partial Summary Judgment Regarding Count 4 is granted.

IT IS ORDERED taking under advisement Defendants' Motion for Partial Summary Judgment Regarding the Second, Fifth, and Seventh Claims for Relief in the Second Amended Complaint as well as the Rule 30(b)(6) component and the argument that the offer was not a genuine purchase agreement.

3:30 p.m. Matter concludes.

LATER:

LET THE RECORD REFLECT as a follow up to the minute entry dated April 7, 2016, the Court will consider scheduling this matter for a hearing to discuss a possible trial setting.